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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: MM Docket No. 93-41  
File No. BPED-910227MD  
Winston-Salem, NC

Dear Ms. Searcy:

Transmitted herewith, on behalf of Triad Family Network, Inc. ("Triad"), applicant in the above-referenced comparative proceeding, are an original and six (6) copies of its "Motion to Strike Reply to Opposition to Petition for Leave to Amend".

Should further information be desired in connection with this matter, please communicate with the undersigned.

Very truly yours,



Lee J. Peltzman  
Counsel for  
TRIAD FAMILY NETWORK, INC.

LJP:bpt  
Enclosures  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In re Application of	)	MM Docket No. <u>93-41</u>
	)	
TRIAD FAMILY NETWORK, INC.	)	BPED-910227MD
Winston-Salem, North Carolina	)	
Channel 207C3	)	
	)	
POSITIVE ALTERNATIVE RADIO, INC.	)	BPED-911119MC
Asheboro, North Carolina	)	
Channel 207A	)	
	)	
For Construction Permit for a	)	
New Noncommercial Educational	)	
FM Station	)	

**To: The Honorable Joseph P. Gonzalez  
Administrative Law Judge**

**MOTION TO STRIKE REPLY TO OPPOSITION TO PETITION  
FOR LEAVE TO AMEND**

Triad Family Network, Inc. ("Triad"), by its attorneys, hereby respectfully requests that the Presiding Officer strike the "Reply to Opposition to Petition for Leave to Amend" filed by Positive Alternative Radio, Inc. ("Radio"). In support of its position, Triad submits the following:

Triad has opposed a "Petition for Leave to Amend" filed by Radio. Radio presently seeks to reply to Triad's opposition. However, Radio's reply is in clear violation of Section 1.294(b) of the Commission's rules, which states that "replies to oppositions will not be entertained."

Radio's Reply is an effort by that applicant to have the last opportunity to make its substantive case. But the Commission's rules prohibit the very thing which Radio seeks. Moreover, when one considers that it is Radio which is claiming prejudice and demanding the dismissal of Triad's

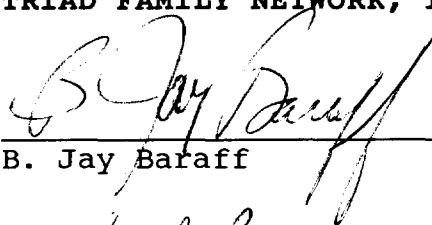
application based upon an alleged violation of the Commission's procedural rules, Radio's outright violation is all the more egregious. Radio's reply should be stricken.<sup>1</sup>

Accordingly, in the view of the above, Triad respectfully urges that the Presiding Officer strike the "Reply to Opposition to Petition for Leave to Amend" filed by Positive Alternative Radio, Inc.

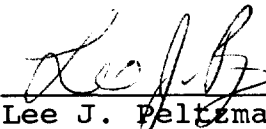
Respectfully submitted,

**TRIAD FAMILY NETWORK, INC.**

By:

  
B. Jay Baraff

By:

  
Lee J. Peltzman  
Its Attorneys

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& HOCHBERG, P.C.  
5335 Wisconsin Ave., N.W.  
Washington, D.C. 20015  
(202) 686-3200**

**April 12, 1993**

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<sup>1</sup>Triad will not respond to the substance of Radio's improper pleading. However, it is necessary to clear up one disingenuous statement made by Radio. Radio seeks to compare its own site non-assurance with the site letter provided by Triad in its application. What Radio fails to reveal is that Triad's site owner is a principal of Triad. Philip T. Watson, the site owner, is both a director and President of Triad and signed Triad's application. The ramifications of this should be obvious. There is a substantial difference between failing to have any understanding as to terms with an independent site owner and having an unwritten agreement with a site owner who also happens to represent the applicant as a principal.

## CERTIFICATE OF SERVICE

I, Barbara P. Taylor, a secretary in the law offices of Baraff, Koerner, Olender & Hochberg, P.C., do hereby certify that a true and correct copy of the foregoing "Motion to Strike Reply to Opposition to Petition for Leave to Amend" on behalf of Triad Family Network, Inc., has been sent by prepaid United States mail, first class, on this 12th day of April, 1993 to the following:

The Honorable Joseph P. Gonzalez\*  
Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W., Room 221  
Washington, D.C. 20554

Larry Eads. Chief\*